

## County Loses Delay Bid

# Clearing Renewed In Burling's Woods

By William N. Curry  
Washington Post Staff Writer

Bulldozers pushed their way through the trees and soil of the Burling tract wilderness again yesterday after Fairfax County lost a circuit court bid to delay further work on the land during condemnation proceedings.

Circuit Judge James Keith denied a county request for a temporary injunction that would have halted all work on the land, which some county residents want for a park. A hearing was set for Friday on whether a permanent injunction should be issued.

If that effort fails, it appears the developer, Miller & Smith Associates of McLean, will be free to continue building a subdivision on the land, which overlooks the upper Potomac palisades.

All nine county supervisors revealed yesterday that they do not favor "quick take" condemnation proceedings. This method immediately halts all work on a project, but it binds the county to whatever purchase price is set by a jury—no matter how high.

Each supervisor yesterday expressed the conviction that the county cannot afford to take a chance on a large award—repeatedly referred to as writing a "blank check."

But the supervisors maintained that this does not mean that the county does not want the 336-acre property. All said they feel an obligation to purchase the Burling tract within the conditions set by the voters of the Dranesville district, where the land lies.

On July 14, Dranesville voters agreed to tax themselves a maximum \$1.45 million toward the purchase of a park. In addition, \$600,000 in county park

funds and \$1.5 million in federal matching funds are earmarked for the potential Burling park.

The supervisors said yesterday they feel it is their "obligation" to obtain the Burling tract—within this \$3.6 million. Whether the county could squeeze out a few thousand more dollars is a question to be determined after a condemnation commission comes back with a purchase price in about six months.

Then the county will decide whether it actually will buy the land.

Yesterday morning the supervisors rejected the developers' proposal that the county pay daily holding costs of the land—interest and taxes—in exchange for a halt on construction.

John T. Hazel Jr., attorney for Miller & Smith, denounced the county's action and the request for an injunction. He said the developers will resume grading the land.

Supervisor Charles Majer (R-Annandale) said the developer is bound by prior commitment to clear the tract in 17-acre patches to reduce erosion. He said this would prevent the wholesale destruction of the land and forage.

The entire tract is 336 acres on the upper Potomac, except for a 7-acre area given to the county park authority. This area includes a waterfall, creek and river frontage that will not be touched by development.

Fairfax Supervisors urge governor to order investigation of State water control board. Story, page B2.

BPS  
KKA A 3 Aug 70  
HCC [initials] 4 Aug 70  
RLF [initials] 5 Aug 70  
JEH [initials] 31 Aug 70  
RLH [initials] 7/31/70  
WAK [initials] 7/31/70  
HHW [initials] 7/31/70  
SEC [initials] 7/31/70

ILLEGIB